

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YONA SOSA, *on behalf of himself and all  
other persons similarly situated,*

Plaintiff,

v.

USA MEDICAL AND SURGICAL  
SUPPLIES, LLC,

Defendant.

Case No. 1:20-cv-04782-JPO-GWG

**DEFENDANT USA MEDICAL AND SURGICAL SUPPLIES LLC'S**  
**NOTICE OF MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant USA Medical and Surgical Supplies LLC's Motion to Dismiss, dated September 1, 2020, Defendant USA Medical moves this Court, before the honorable Judge J. Paul Oetken, at the United States Courthouse, 500 Pearl St., New York, NY for an Order dismissing the Complaint with prejudice and such further relief as the Court deems just and proper in the above-captioned case, pursuant to Rule 12(b)(1) and/or 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: September 1, 2020

Respectfully submitted,

**DOWD BENNETT LLP**

By: /s/ Sheena R. Hamilton

Sheena R. Hamilton

Philip A. Cantwell

Arin H. Smith

7733 Forsyth Blvd., Suite 1900

St. Louis, Missouri 63105

(314) 889-7300 (telephone)

(314) 863-2111 (facsimile)

shamilton@dowdbennett.com

pcantwell@dowdbennett.com

asmith@dowdbennett.com

Attorneys for USA Medical and Surgical  
Supplies LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on September 1, 2020, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

Jeffrey M. Gottlieb  
Dana L. Gottlieb  
**GOTTLIEB & ASSOCIATES**  
150 East 18th Street, Suite PHR  
New York, New York 10003  
(212) 228.9795 (telephone)  
(212) 982.6284 (facsimile)  
nyjg@aol.com  
danalgottlieb@aol.com

Attorneys for Plaintiff Yona Sosa

/s/ Sheena R. Hamilton